

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—GENERAL

Case No. **CV 18-6946-DMG (KSx)**

Date **December 18, 2019**

Title ***Barton Wayne Fishback, et al. v. Joseph T. Edmiston, et al.***

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Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

**KANE TIEN**

Deputy Clerk

**NOT REPORTED**

Court Reporter

Attorneys Present for Plaintiff(s)

None Present

Attorneys Present for Defendant(s)

None Present

**Proceedings: IN CHAMBERS - ORDER TO SHOW CAUSE WHY AUTOMATIC STAY  
SHOULD ISSUE**

On December 12, 2019, Plaintiffs Barton Wayne Fishback and Carol Fishback filed a “Notice of Automatic Stay,” informing the Court that they had filed a Chapter 13 bankruptcy petition in United States Bankruptcy Court and that all proceedings in the instant case should be stayed pursuant to 11 U.S.C. section 362. [Doc. # 62.]

The Bankruptcy Code’s automatic stay provision, 11 U.S.C. section 362, does not apply to actions initiated by the debtor which involve no counterclaim against the debtor. *See Snively v. Miller (In re Miller)*, 397 F.3d 726, 729 (9th Cir. 2005) (“The automatic stay is applicable only to proceedings *against* the debtor.” (emphasis added)). Because Plaintiffs initiated this proceeding, they are **ORDERED TO SHOW CAUSE** why this action should be stayed. Plaintiffs shall file their response by **December 30, 2019**. **Failure to file a timely and satisfactory response shall result in the denial of any request for a stay.**

**IT IS SO ORDERED.**